



## **MINUTES OF THE CITY COUNCIL AND THE COUNCIL SITTING AS THE REDEVELOPMENT AGENCY**

**WEDNESDAY, MAY 26, 2004**

The regular meeting of the City Council, also sitting as the Redevelopment Agency, was called to order by Mayor/Chairman Stettler in the Council Chambers at 68-700 Avenida Lalo Guerrero, Cathedral City, California, on May 26, 2004 at 3:04 p.m.

### **ROLL CALL:**

Present: Council Member/RDA Board Member Marchand, England,  
DeRosa, Mayor Pro Tem/RDA Board Member Pettis  
Mayor/RDA Chairman Stettler

The Regular meeting began at 6:40 p.m. and was opened by Mayor/RDA Chairman Stettler. Council Member/RDA Board Member Marchand led the invocation, followed by The Flag Salute led by Council Member/RDA Board Member England.

### **CLOSED SESSION AGENDA:**

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION  
pursuant to Government Code Section 54956.9, Subd. (b)  
Number of Potential Cases: 2
2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code  
Section 54957.6  
Agency Negotiator: Donald Bradley, City Manager  
Represented Employees: 1) Cathedral City Firefighters Association  
(CCFFA); 2) Cathedral City Police Officers'  
Association (CCPOA); and 3) Cathedral City  
Public Safety Management Association  
(CCPSMA);
3. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING  
LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):  
Case Name: Glenn Haas, Jeff Miller, Brian Hirzel and Cathedral City Police  
Officers Association vs. Cathedral City; Cathedral City Police  
Department; Stan Henry, Chief of Police; John Holcomb,  
Captain; Gregory J. Savelli, Lieutenant; Sandra Hatfield,  
Dispatch Supervisor, et al.  
Case No.: United States District Court, Central District of California Case

No. EDCV 02-965

4. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):  
Case Name: Scott Sharpe, Mark Fields, Rudy Salinas, Jay Horn, Karl Murashima, Owen Krings, Brian Hirzel, Albert Ruiz, Steve Williams, Paul Reindel, Glenn Haas, Nick Chapman, Gabriel Mendoza, Kelly Nava, Danny Anes, Dane Dickson, Mark Novy, Larry San Filipo, Jeremy Herrick, Ernie Vasquez, Tom Ferguson, Jon Enos, John Fox, Andy Diaz, Albert Ochoa, Dewayne Hodge vs. City of Cathedral City, a municipal corporation; Stan Henry, Chief of Police; Captain John Holcomb, Captain Kevin Conner and Lieutenant Al Reshaw in their individual capacity, and DOES 1 through 10, Inclusive  
Case No.: United States District Court, Central District of California Case No. CV 04 02931 (VBKx)[Class Action] Complaint for Damages and Injunctive Relief Demand for Jury Trial
  
5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Charlene Sumpter**)  
Property Location: North side of East Palm Canyon Drive, West of Monty  
Negotiating Parties: Redevelopment Agency and Palm Canyon Partners  
Property Owner: Redevelopment Agency  
Under Negotiation: Real property negotiations
  
6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Warren Bradshaw**)  
Property Location: 68-545 "E" Street - APN#: 687-233-003  
Negotiating Parties: Cathedral City Redevelopment Agency and Building Horizons, Inc.  
Property Owner: Redevelopment Agency  
Under Negotiation: Potential Property Disposition
  
7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Paul Shillcock**)  
Property Location: East of the East Cathedral Canyon Storm Channel in Designated Open Space Area. APN #686-310-006; 686-232-034; 686-270-004; and 687-241-056  
Negotiating Parties: Redevelopment Agency and Desert Cove Golf Resorts  
Property Owners: City of Cathedral City and Cathedral City Redevelopment Agency  
Under Negotiation: Disposition of Property

8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8  
Property Location: East of Van Fleet Avenue, South of East Palm Canyon Drive; APN #'s 687-207-005 (Sousa) and 687-223-016 (Sanchez)  
Negotiating Parties: Redevelopment Agency and BCN Developments, Inc.  
Property Owners: Martin Sousa, et al; Jorge & Maria Sanchez  
Under Negotiation: Disposition of Property
  
9. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 **(Keith Scott)**  
Property Location: 68307 East Palm Canyon Drive – Heilig Meyers Building  
Negotiating Parties: Redevelopment Agency & Northwest KIA Megastores (Lessee)  
Property Owners: Redevelopment Agency  
Under Negotiation: Disposition of Property

### **CLOSED SESSION ANNOUNCEMENTS**

Deputy City Attorney Green advised there were no announcements out of Closed Session, however, at the end of this meeting the Council will again go to closed session to complete the Closed Session Agenda.

### **PUBLIC COMMENTS**

Bill Cohen – Cathedral City. Citizens on Patrol (COPs) is in need of volunteers, we could use 10 new members. It was a pleasure attending the fundraiser for the CCHS Band.

John Hendrick – LaQuinta. Mr. Hendrick is a Real Estate Broker and has purchased a home in Rio Vista. They have problems with the developer. He requests the City go after the Developer for his performance bond, and don't hold the homeowner hostage.

Donald Austin – Rio Vista Community. His new home has been ready since late March. He and his family have been in and out of motels, he has a three year old son. He has stayed with friends in what he considers to be an unstable environment for his son and family. There are defaults with the Master Builder, he has his things in storage, and his family must eat out every day, for they have no kitchen facilities. He moved here to start a new career, he can't plan, or create stability. He pleaded with Council to let him move in his new home.

Bill Beck – Cathedral City. He was the host of the fundraiser for the CCHS band. This was his biggest fund raiser ever, the turnout of families and students was great. Bud England was there from early morning till 5:00 p.m. George Stettler and Chuck Vasquez were there as were many others and over \$3000 was raised. He came to work a week ago Thursday – barricades were across Monty Hall and barricades on other streets. He called for help

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and Officers Fox & Hodges responded and moved the barricades. Please remove the barricades by 4:00 p.m. as not to restrict businesses and we can have access to the parking lots. There was a previous accident and this has left an exposed bolt – he has placed cones over it, but they get moved and recently Patty and Arthur Newman came to his restaurant and Mrs. Newman tripped on bolt, he would like to see this corrected.

Suzie Generra and Maureen Douglas – employees representing non-sworn employees and they were here to make some very positive remarks as representatives of the non-sworn employees and their employment.

Seeing no one else wishing to speak, Mayor Stettler closed Public Comments.

## **AGENDA FINALIZATION**

Item 12 was pulled from the Agenda and will not be acted on this meeting.

## **COUNCIL COMMENTS**

Mayor Stettler thanked Bill Beck. It was a nice event and he enjoyed it.

Council Member England – The band fundraiser was a good experience and he had not realized just how many students and families were involved with the band. They raised close to \$3200 and that was an awesome job. He stopped by the Ice Arena the other evening and they are ready to go, all but for the ice.

Council Member DeRosa complimented Desert Hot Springs on receiving an award for their water for 2004. While we don't get our water from there, it is still an honor for DHS and the job the Mission Springs Water Company does for the community.

## **MINUTES**

Council Member/RDA/DTF Board Member Marchand moved approval of the minutes as amended for the regularly scheduled City Council/Redevelopment Agency meeting held on Wednesday, May 12, 2004; and the minutes from the Downtown Foundation Board meeting held on Wednesday, May 12, 2004. Motion seconded by Council Member/RDA/DTF Member DeRosa, motion carried 5-0.

## **SCHOOL REPORTS**

Martin Silva and Vivian Enriquez, student representatives from Cathedral City High School advised that things were winding down, with school over in a few days and graduation in two weeks. They wanted to recognize both Council Member DeRosa and Greg Wetmore from the Cathedral City Chamber of Commerce. Mr. Wetmore is at a Rotary Convention in Japan, but Council Member DeRosa was in attendance to accept the certificate from the students. The students then presented certificates to their advisors and sponsors including: Ms. Bash, Mr. Newton, Mrs. Ruess and Miss Van Helen. Vivian then told the Council she would be attending CalState at Fullerton, Martin advised that he would be

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attending Brown University in Rhode Island, and they thanked the Council for the opportunity that had been afforded them during their Senior year. Mayor Stettler complimented the students and thanked them for being with us this past year.

## PRESENTATIONS AND PROCLAMATIONS

- ☐ Council Member England presented a proclamation to Fire Chief Sowles for Third Annual Southern California Emergency Medical Services (EMS) Conference-Welcoming the participants. Chief Sowles accepted on behalf of Fire Marshall Minge.
- ☐ Council Member DeRosa presented Certificates of Recognition to Cathedral City High School students Martin Silva and Vivian Enriquez for their service to their school and the community.
- ☐ Council Member DeRosa presented a Certificate of Recognition to Cathedral City High School student Samantha De Rosa (no relation) for her award of the Golden Lion.
- ☐ Mayor Pro Tem Pettis presented a Proclamation to Darla DiGrandi-Aguilera in honor of her business (Hi-Lites Salon) being chosen Business of the Year by the Boys & Girls Club of Cathedral City.
- ☐ Council Member Marchand presented a Proclamation declaring the Month of June as Municipal Finance Month to Finance Director Tami Scott and complimented her on the great job she is doing, she in turn complimenting her staff on their efforts.

## CONSENT AGENDA

Council Member/RDA Board Member Marchand moved approval of the Consent Agenda, motion seconded by Council Member/RDA Board Member England, motion carried 5-0.

1. Approved Resolution of the City Council for the City of Cathedral City, authorizing the City to enter into a Memorandum of Understanding (MOU) with the Energy Coalition, a California non-profit corporation **by Resolution No. 2004-38.**
2. Authorization to increase the City's match funding for the installation of seven traffic signal battery back systems in an amount of \$10,947 of Traffic Safety Restricted Vehicle License Fee Revenues **by Minute Order #3706.**
3. Authorization to purchase a new reservoir tank for the fountain of life in an amount not to exceed \$ 20,000 of Redevelopment Agency funds **by Minute Order #3707 and Minute Order #R-990.**
4. Authorization for staff to purchase four solar powered LED Warning Flashers for

school zone installations in an amount not to exceed \$10,630 of Traffic Safety Restricted Vehicle License Fee Revenue and Gas Tax **by Minute Order #3708.**

## **PUBLIC HEARINGS**

5. Planned Unit Development (PUD 03-01) and Tentative Parcel Map (TTM 31774): a request to subdivide approximately 68.2 acres into 286 single family lots and 6 lots for amenities and easements north of intersection of Ramon Road and Outdoor Resorts and bound by Ramon Road to the south, McCallum Way to the north, approximately 120-feet east of the Santoro Drive alignment to the west, and approximately 1,300 feet west of DaVall Road to the east.

There was a detailed report given by Cynthia Kinser, City Planner. This will be a subdivided 68 acres of land with 286 single family homes, 4.5 units per acre – planned unit development with three different housing products per development and will be a gated community. There will be two gates and a spined street with six pods of development on three different sized lots. Cost of units will be between \$275,000 and \$500,000.

John Westman and Mario Gonzales were both in audience to answer questions. Mr. Westman came forward to discuss the project and answer questions. He is asking for consideration for a change to the CC&R's with regard to Recreation Vehicle Parking, mandating that all Recreational Vehicles be parked at a storage unit available about one mile away. Then he could put two additional homes in that space. Traffic patterns were of major concern, and Mr. Westman has planned to allow San Toro to exit through his project to reach a traffic light. There were many other considerations, Council Member DeRosa was looking for a condition to reduce the use of turf in the subdivision, with only 50% turn in the front yards. Also there to be no construction on Sundays. Jerry Jack gave input with regard to traffic and gates, etc. Ms. DeRosa wanted to see the McCallum Gate for residents only. Council Member England encouraged grading be done "all at once" to reduce dust and blow sand.

Mayor Stettler opened the floor to Public Comments.

Bruce Williams – Cathedral City. He lives off McCallum Way. He is worried about McCallum Way traffic and the use of San Toro vs. McCallum. He for one is happy the developer wants to move the Recreational Vehicles off site, and feels a good neighbor is a good neighbor, and doesn't like the idea of a Recreational Vehicle lot on the subdivision property.

Janet Malakowski – Cathedral City. She is happy to see another beautiful project coming to our town.

Laurence Frost – Cathedral City. McCallum Way is a narrow street and he would

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like to see McCallum Way be posted for Residents Only, and have a stop sign at Azur. No one stops for either of the stop signs, and he wants the City Council consider helping out here and make McCallum Way for residents only.

John Criste of Terra Nova Planning & Research was here to represent Toy R. Fields and the Fields Family Trust who are owners of 27+ acres immediately west of the above referenced project site. He expressed several traffic concerns for the development, but the Terra Nova and the Fields Family Trust see many good aspects of the proposed project that should be applauded. He hopes that the discussion tonight will alleviate some of the traffic problems as noted.

Seeing no one else wishing to speak, Mayor Stettler closed Public Comments.

Council Member England moved approval, subject to the following additional or amended Special Conditions: (1) Condition 36 a. If the City's Zoning Ordinance is amended, thereby not requiring recreational vehicle storage within Planning Unit Developments, the recreational vehicle storage lot (Lot 290) Can be converted to two residential lots equivalent to the A 700-series. (2) Condition 50. The developer shall provide final landscape and irrigation plans consistent with the water efficient standards of the Coachella Valley Water District. Said plans shall minimize the use of turf for all facilities. Front yards shall have no more than 50% use of turf. (3) Condition 51. The gated vehicular access on McCallum Way shall be designed to accommodate residents of the project with no guest entry. Guest entry shall be from the Ramon Road entry gate. Motion seconded by Council Member DeRosa, motion carried 5-0 **by Resolution No. 2004-39.**

6. Proposed ordinance of the City Council for the City of Cathedral City amending Chapter 12.20 of the Cathedral City Municipal Code setting special speed limits.

There was a report by Jerry Jack Interim Public Works Director. Mr. Jack explained to the Council about setting "false" speed limits, a limit lower than allowed by law. Mayor Stettler showed great concern for some of the speed limits and discussed the difficulty of those who have to "back out" into busy streets i.e. Cathedral Canyon. Mr. Jack advised that you had to change the character of the street, center medians and raised curbs.

Mayor Stettler opened the floor to Public Comments.

Janet Malakowski – Cathedral City. Ms. Malakowski asked if the Council had thought of a slow moving trolley to reduce some of the traffic. She thought this might be of some help.

Seeing no one else wishing to speak, Mayor Stettler closed Public Comments.

Council Member Marchand moved approval, motion seconded by Mayor Pro Tem Pettis, motion carried 5-0 **by Minute Order #3709.**

7. Adoption of City Council resolutions for the Street Lighting and Landscape Maintenance District No. 1: adopting resolutions to renew

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assessments in existing benefit zones within the maintenance district.

Council Member Marchand moved to **1) Adopt Resolution No. 2004-40**, declaring its intention for the levy and collection of assessments for the City of Cathedral City Street Lighting and Landscape Maintenance District No.1 for fiscal year 2004-2005; and **2) Adopt Resolution No. 2004-41**, preliminarily approving the Engineer's Report for the City of Cathedral City Street Lighting and Landscaping Maintenance District No. 1 for fiscal year 2004-2005. **3) Adopt Resolution No. 2004-42**, motion seconded by Council Member England, motion carried 5-0.

8. Disposition of single family lot purchased with Tax Increment affordable housing set aside funds in exchange for equivalent but more useful lot Holta).

Brief report by Warren Bradshaw, Housing Manager.

Public Comments were opened and closed without comment,

Council Member/RDA Board Member Marchand moved approval, motion seconded by Council Member/RDA Board Member England, motion carried 5-0 **by Resolution No. 2004-43 and Resolution No. R-381**

9. Municipal Code amendment 03-02: A request to adopt an inclusionary housing ordinance establishing procedures and requirements for the provision of affordable housing units.

There were brief comments by City Planner Cynthia Kinser.

Public Comments opened and closed without comment.

Council Member Marchand moved to continue public hearing to the June 23, 2004, City Council meeting, motion seconded by Council Member England, motion carried 4-1 **by Minute Order #3710. Mayor Pro Tem Pettis voted in the negative.**

- 9A. Proposed Resolutions of the City Council for the City of Cathedral City and the City Council sitting as the Redevelopment Agency Board consenting to the disposition of the lot to Building Horizons, Inc. (or designee).

There was a brief report by Warren Bradshaw. Property is 68545 E Street.

Public Comments opened and closed without comment.

Council Member/RDA Board Member Marchand moved approval, motion seconded by Council Member/RDA Board Member England. Motion carried 5-0 **by Resolution No. 2004-44 and Resolution No. R-382.**



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**LEGISLATIVE ACTION(S)**

10. Authorization to create an escrow account for maintenance of excess amenities included in the Tierra Del Sol senior housing development Mercy Housing California.

Mr. Bradshaw, Housing Manager explained the escrow account to the Council.

Council Member/RDA Board Member Marchand moved approval, motion seconded by Mayor Pro Tem/RDA Board Member Pettis, motion carried 5-0, **by Minute Order # 3711 and Minute Order # R-991.**

11. Adopt the proposed resolution of the City Council for the City of Cathedral City, supporting a joint league/CSAC policy statement to improve the defense strategy for California's wild land fire threat.

Fire Chief Sowles gave a brief report.

Public Comments were opened and closed without comment.

Council Member Marchand moved approval of **Resolution No. 2004-45**, motion seconded by Mayor Pro Tem Pettis, motion carried 5-0.

**COUNCIL REPORTS ON CITIZEN INQUIRIES AND CONCERNS.**

Mayor Stettler invited everyone to attend the Street naming ceremonies on Friday Morning as he presides at the ceremony honoring three of our High Schools young people.

Council Member DeRosa Congratulated the graduating seniors of both Cathedral City and Desert Hot Springs.

**ADJOURNMENT**

It was moved to adjourn tonight in memory of the U.S. and Coalition Forces who have lost their lives in Iraq since our last meeting. Hearing no objection the Council adjourned to complete the Closed Session agenda at 9:30 p.m. Council reconvened the Regular Meeting at 10:00 p.m. Deputy City Attorney Green advised there were no reportable actions out of Closed Session, and the Council adjourned the Regular Meeting at 10:02 p.m.

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Pat Hammers, City Clerk